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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,644	08/25/2008	Thomas Thisted	THISTEDIA	4397
1444 BROWDY AN	7590 07/21/2010 ID NEIMARK, P.L.L.C		EXAM	UNER
624 NINTH STREET, NW			LUNDGREN, JEFFREY 8	
SUITE 300 WASHINGTO	N. DC 20001-5303		ART UNIT	PAPER NUMBER
	.,		1639	
			MAIL DATE	DELIVERY MODE
			07/21/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Application No. Applicant(s) 10/572,644 THISTED ET AL. Office Action Summary

Office Action Summary	Examiner	Art Unit					
	JEFFREY S. LUNDGREN	1639					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REFL. WHICHEVER IS LONGER, FROM THE MAILING DV. Extensions of time may be available under the provisions of 37 CFR 11. after SNK (6) MONTHS from the mailing fade or the somewheat of 37 CFR 11. after SNK (6) MONTHS from the mailing fade or the somewheat of the so	ATE OF THIS COMMUNICATION  16(a). In no event, however, may a reply be tin  till apply and will expire SIX (6) MONTHS from  cause the application to become ABANDONE	N. nely filed the mailing date of this o D (35 U.S.C. § 133).	•				
Status							
1) Responsive to communication(s) filed on 28 Ap	oril 2010.						
·- · · · · · · · · · · · · · · · · · ·	action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
` <u> </u>							
4) Claim(s) 1-75 and 77-97 is/are pending in the application.							
4a) Of the above claim(s) 21-75 and 77-82 is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to.							
8) Claim(s) 1-20 and 83-97 are subject to restriction	on and/or election requirement						
olamina) 1-20 and 03-37 are subject to restrict	on and or election requirement.						
Application Papers							
9) The specification is objected to by the Examine	r.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form P	ГО-152.				
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:							
Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
Notice of References Cited (PTO-892)	4) Interview Summary						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da 5) Notice of Informal P						
3) Information Disclosure Statement(s) (PTO/SB/06) Paper No(s)/Mail Date	6) Other:	ино и Мрриминой					

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#### DETAILED ACTION

### Election/Restrictions

Following the Office Action mailed on October 29, 2009, wherein claims 1-20 were rejected, Applicants have filed new claims 83-97 drawn to numerous species. Accordingly, the following restriction requirement is issued.

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- A. the display molecule and its molecular weight see claims 83 and 84;
- B. a single relationship between the target and identifier oligonucleotide see claims 86-96.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise require all the limitations of an allowed generic claim. Currently, claim I is generic to the invention

As provided in 37 CFR 1.475(a), a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention"). Where a group of inventions is claimed in a national stage application, the requirement of unity of invention shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

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The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim. See 37 CFR 1.475(e).

As provided in 37 CFR 1.475(b), a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

- (1) A product and a process specially adapted for the manufacture of said product; or
- (2) A product and process of use of said product; or
- (3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or
- (4) A process and an apparatus or means specifically designed for carrying out the said process; or
- (5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

Otherwise, unity of invention might not be present. See 37 CFR 1.475(c).

In the instant case, there is no special technical feature that links the identified species as each species is materially and/or functionally different.

## Time for Reply

Applicant is reminded that 1-month (not less than 30 days) shortened statutory period will be set for reply when a written requirement is made without an action on the merits. This period may be extended under the provisions of 37 CFR 1.136(a). Such action will not be an "action on the merits" for purposes of the second action final program. M.P.E.P. § 809.02(a).

#### Correction of Inventorship

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the Art Unit: 1639

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusions

If Applicants should amend the claims, a complete and responsive reply will clearly

identify where support can be found in the disclosure for each amendment. Applicants should

point to the page and line numbers of the application corresponding to each amendment, and provide any statements that might help to identify support for the claimed invention (e.g., if the

amendment is not supported *in ipsis verbis*, clarification on the record may be helpful). Should

Applicants present new claims, Applicants should clearly identify where support can be found in

the disclosure.

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Jeff Lundgren whose telephone number is 571-272-5541. The

Examiner can normally be reached from 7:00 AM to 5:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Christopher Low, can be reached on 571-272-0951. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffrey S. Lundgren/

Primary Examiner, Art Unit 1639